

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of:

Sheldon A. Chicks, M.D.

STIPULATION AND
INTERLOCUTORY ORDER
91 MED 309A

Stipulation

The parties agree that, pending the Final Decision and Order to be issued by the Medical Examining Board in this matter, and without waiving any of their rights, the Board may enter the following Interlocutory Order in this matter without further notice.


Arthur Thexton
Prosecuting Attorney
Joseph M. Fasi
Attorney for Respondent
Sheldon A. Chicks, M.D.

On the above Stipulation, the Board makes the following:

Findings of Fact

1. Respondent Sheldon A. Chicks, M.D., is and was at all times relevant to the facts set forth herein a physician and surgeon, specializing in psychiatry, licensed in the State of Wisconsin pursuant to license #15052, originally granted 7/30/64. Respondent's address of record with the Board is 161 West Wisconsin Avenue, Milwaukee, WI 53202.
2. On April 18, 1994, a hearing was held on a complaint against respondent before Hon. James E. Polewski, Administrative Law Judge, sitting for the Medical Examining Board. At that time, two expert witnesses were called: Sheila Sorkin M.D. (who was called by the Division of Enforcement) and Darold Traffart, M.D. (who was called by respondent). Both physicians testified that respondent is a chronic alcoholic who can never safely consume alcohol again. Both practitioners testified that respondent is at very high risk of relapse. The experts agreed that respondent needs to be under the care of an experienced practitioner, preferably an M.D. addictionologist, with regular therapy and random tests, to avoid an unacceptable risk of harm to patients or public.
3. Following the hearing, ALJ Polewski declined to continue the summary suspension pending the final outcome of the matter. Prosecuting Attorney Thexton has filed a new Petition for Summary Suspension with the Medical Examining Board. In lieu of pursuing this petition, and solely to avoid the risks and expenses of litigation, the parties have agreed to this temporary outcome.

Conclusions of Law

4. The Board has jurisdiction in this matter pursuant to §448.02(7) Wis. Stats., and ch. RL 6, Wis. Adm. Code.

Interlocutory Order

5. IT IS ORDERED; that pending the issuance of a Final Decision and Order in this matter, the license to practice medicine and surgery of Sheldon A. Chicks, M.D., is LIMITED in the following respects:

A. Respondent shall, before resuming any practice of medicine and at his own expense, place himself under the care of a physician specializing in addiction medicine, acceptable to the Board. The Board shall not unreasonably deny respondent's choice of practitioner.

B. Respondent shall cooperate fully with, and follow all treatment recommendations of, his physician, including engaging in such individual and group therapy and support group participation as is recommended, and supplying samples of his breath, blood and urine as are requested. The program of sampling shall be conducted on a random basis throughout the hours of the day and evening, and including weekends and holidays, and shall be conducted at least weekly. If urine samples are obtained, they shall be collected under NIDA guidelines. The treating physician may increase the number of samples as is medically indicated, and to ensure that respondent cannot predict when he will be called upon to supply a sample. All expenses of treatment and sampling/testing shall be born by respondent.

C. Respondent shall arrange for immediate reporting to the Board of any of the following events by his treating physician and all other treating practitioners and testing facilities: any consumption of alcohol or controlled substance, any analysis of a sample of breath, blood or urine containing evidence of such consumption, any failure to timely appear for a requested test, any failure to comply with the usual conditions of screening or sample protocol, and any unprofessional conduct as defined in § Med 10.02, Wis. Adm. Code.

D. Respondent shall furnish and keep on file with the Board current releases of all his medical and treatment records, including those relating to alcohol and other drug abuse and mental health.

E. Respondent shall provide a sample of his breath, blood or urine whenever requested by an employee of the department, upon reasonable suspicion of a violation of this Order.

F. Respondent shall remain free of alcohol and all unprescribed controlled substances, shall refrain from all unprofessional conduct, and shall be subject to §448.02(3)(e), Wis. Stats.


6. IT IS FURTHER ORDERED; that nothing in this Order modifies any previous order of the Board limiting respondent's license, and all previous orders continue in full force and effect.

7. IT IS FURTHER ORDERED; that violation of any of the terms of this Order or of any law substantially related to the practice of medicine may result in a summary suspension of respondent's license, the imposition of additional conditions and limitations, and the commencement of additional disciplinary proceedings.

Dated this April 20, 1994.

WISCONSIN MEDICAL EXAMINING BOARD

By:


Clark O. Olsen, M.D., ~~Chair~~ Secretary

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